

BILL ANALYSIS

S.B. 1430
By: Hinojosa
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Hidalgo and Cameron Counties are seeking to establish a mandatory solid waste disposal service program under the County Solid Waste Control Act to safeguard the public health and ensure reliable sanitation service for residents who live in unincorporated areas. In these counties, some rural, unincorporated areas are colloquially referred to as colonias and the counties are among the Texas counties with the largest colonia populations. Colonia residents lack safe, sanitary, and sound housing and also lack basic services such as potable water, adequate sewage systems, drainage, utilities, and paved roads. Many colonias in Hidalgo and Cameron Counties still experience inadequate trash collection or lack trash containers to dispose of solid waste, resulting in an accumulation of excess garbage in and around homes. The lack of these trash collection services results in health hazards attributed to increased pollution, illegal dumping, and trash burning. S.B. 1430 seeks to address this issue by authorizing the commissioners courts of certain counties by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1430 amends the Health and Safety Code to authorize the commissioners court of a county that is adjacent to the United Mexican States and has a population of more than 400,000 and contains at least two municipalities each of which has a population of 70,000 or more by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area.

S.B. 1430 specifically includes solid waste disposal services offered by such a county as such services that a person is not required to use under certain conditions. The bill prohibits a public or private utility that bills and collects solid waste disposal service fees under a contract with such a county from suspending water or sewer service to a person who is delinquent in the payment of the solid waste disposal service fee. The bill exempts a person from the application of an applicable requirement adopted by such a county relating to solid waste disposal service if the person is receiving under a contract solid waste disposal services at a level that is the same

as or higher than the level of services that otherwise would be required. The bill requires the person, in order to qualify for the exemption and not later than the first day of the month preceding the beginning of the calendar quarter during which the person intends for the exemption to take effect, to provide to the county written documentation acceptable to the county to show that the person is receiving services under the contract. The bill requires the person who provides solid waste disposal services to a person who qualifies for the exemption to notify the county that the services under the contract have stopped not later than the 15th day after the date those services are stopped for any reason.

S.B. 1430 sets out provisions relating to notice and hearing of certain fees for solid waste disposal services that are applicable to such a county that provides in the mandatory solid waste disposal service program rules that such provisions apply to the collection of a fee under the program. The bill requires the commissioners court of such a county, before the county may impose a proposed fee, to hold a public hearing on the fee. The bill requires the county, not later than the 10th day before the date of the hearing, to provide notice of the hearing that includes the date, time, and location of the hearing and a statement that an interested citizen of the county may testify at the hearing. The county must deliver the notice as follows:

- by mail to each owner of real property that would be affected by the fee, at the address shown on the most recently certified tax roll of the district;
- by posting the notice prominently on the county's website from the date the notice is mailed until the public hearing is concluded; and
- if the county maintains a public account on a social media platform, by posting the notice on the county's social media platform account.

The bill authorizes the county to publish notice of the hearing in a newspaper in addition to delivery of the notice by these methods.

S.B. 1430 requires the county, as early as practicable in advance of the public hearing, to post on the county's website any written agenda and related supplemental written materials provided by the county to the commissioners in advance of the hearing for the commissioners' use during the hearing. The bill authorizes the county to exclude written materials that the county attorney certifies are confidential or may be withheld from public disclosure under state public information law. The bill requires the public hearing to be on a weekday that is not a public holiday and requires the commissioners court to afford at the hearing adequate opportunity for proponents and opponents of the proposed fee to present their views. The bill requires the county, not later than the 60th day before the scheduled start date of the solid waste disposal services for which a fee is collected, to mail notice to each landowner whose real property will be benefited by the services. The notice must include the following:

- a statement that the county has adopted an order to require the use of county solid waste disposal services and to collect a fee and that the landowner may qualify for certain exemptions from the application of the requirement; and
- instructions for completing and submitting the documentation required for the exemptions.

S.B. 1430 authorizes the commissioners court of such a county that requires the use of a mandatory solid waste disposal service program to adopt orders to enforce the requirement, including an order establishing a civil or administrative penalty in an amount reasonable and necessary to ensure compliance with the requirement. The bill prohibits such a county from imposing a civil penalty on a person in an amount that exceeds 10 percent of the person's delinquent annual service charge or from charging fees for late payment of a fee for a service that exceed \$60 in a single year.

S.B. 1430 amends the Government Code to extend to such a county Interlocal Cooperation Act provisions that do the following:

- authorize an applicable county to contract with an applicable municipality to provide, directly or through a contract with another entity, a mandatory solid waste disposal service program for solid waste disposal services in an area of the county located within

the extraterritorial jurisdiction of the municipality if the municipality does not provide solid waste disposal services in that area; and

- require such a contract to include provisions regarding the termination of the county's provision of service on the occurrence of certain contingencies, including the annexation of the area covered by the contract by the municipality or the provision of service to the area by the municipality.

EFFECTIVE DATE

September 1, 2023.